

# EXHIBIT C



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Form 1088G (Wireless communications device) (A toll-free number (800, 888, etc.)) : 12-T01029327-1

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## USER FORM

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User Complaint Number: 12-T01029327

User Complaint Key: 12-T01029327-1

Complaint Source: Web

Added User: Consumer

Submission date: 09/11/2012

## CONSUMER'S INFORMATION:

First Name: Bill

Last Name: Dominguez

Company Name:

PO Box:

Address1:

Address2:

City: Philadelphia

State: PA Zip Code:

Telephone Number(Residential or Business): -4361 Ext:

E-mail Address:

## FORM 1088G:

1. **CALL RECIPIENT:** Call/message received on  
Cell phone - 4361
2. **NATIONAL DO-NOT-CALL REGISTRY:** Is the number where you received the call/message on the National-Do-Not-Call Registry?  
Not Certain  
Is this a personal (non-business) phone? Yes
3. **DATE/TIME:** When did you receive the call(s)?  
Date 09/11/2012 08:05 AM  
Date 09/11/2012 07:45 AM  
Date 09/10/2012 08:00 PM  
Date 09/10/2012 07:49 PM
4. **TYPE OF CALL OR MESSAGE**  
Text message
5. **ADVERTISER INFORMATION:** Was the following information provided DURING the call/message?  
Name of the business, individual, or other entity responsible for the call/message Yes  
Name(s) provided Yahoo  
Was this provided at the beginning of the call/message? Yes  
Business telephone number for the entity responsible for the call/message: No  
Number(s) Provided:  
Other Information provided:::  
Did you listen to the entire call/message? Yes
6. **CALLER ID INFORMATION:**  
Did you receive caller ID information for the call(s) in question? No  
Information obtained through caller ID:  
Business name  
Did the caller ID information accurately report the name and/or calling number for the call in question?  
How did you determine it was not accurate?
7. **OTHER IDENTIFYING INFORMATION:** List any names, telephone numbers, or other identifying information (e.g., addresses, websites) you obtained through other means (e.g., reverse call back through \*57 or your own research).  
Phone(s)  
Business name(s)

Other information

How did you obtain this information? 92500 is the only number it comes from

8. **EMERGENCY PURPOSE:** Did the call(s) indicate any emergency purpose (a necessary communication in any situation affecting the health and safety of consumers)? No  
Describe:

9. **PRIOR EXPRESS PERMISSION:** Did you or anyone at your facility give prior express permission for the call(s) to be made? No

10. **TAX-EXEMPT NON-PROFIT:** Did the call/message claim to be on behalf of a tax-exempt nonprofit organization?  
No Organization name :

11. **TYPE OF MESSAGE:** Does the call/message advertise the commercial availability or quality of any property, goods, or services?

Yes What property, goods, or services did the call/message promote? : Texting everything from cheap vacations to mortgages, Fanny Mae, viagra, anti depressants, furniture, tiger direct and you name it. 80 to 100 texts a day

12. **ESTABLISHED BUSINESS RELATIONSHIP:** Have you or anyone else in your household

(a) Done any business with the advertiser or involving the advertised property, goods, or services(a purchase or other transaction) within the past 18 months prior to receiving the call/message? No

(b) Made an inquiry or application to the advertiser or involving the advertised property, goods, or services within the past 3 months prior to receiving the call/message? No

13. **PERSONAL RELATIONSHIP:** Do you or anyone else in your household have a personal relationship (family, friend, or acquaintance) with the individual who made the call? No

14. **COMPANY-SPECIFIC DO-NOT-CALL REQUEST:** Have you or anyone else in your household asked the advertiser or anyone associated with the advertised property, goods, or services NOT to call you?

Yes (Provide as much detail as possible)

When? Date: 12/28/2011

How did you make your request?

☒ By telephone during a telemarketing call (including the one about which you are complaining)

☐ By telephone to

☐ By e-mail to

☐ By website request at

☐ By fax to

☐ By letter to

(Name)(Address)

(City) (State)(Zip)

Describe any response from, or other contact with, the advertiser or telemarketer including any difficulty in making your do-not-call request, or any telemarketing calls that you received from this advertiser after making your do-not-call request.

Reply with stop but the still come

15. **PRERECORDED MESSAGE - LINE SEIZURE:** Did any prerecorded message disconnect promptly (within about 5 seconds) after you hung up?

Describe:

16. **COMMERCIAL E-MAIL - INFORMATION DISCLOSED** Did the commercial e-mail message provide the following information? (check all that apply)

☐ An Internet e-mail address or website to receive your request that no future messages be sent to your wireless device. Internet e-mail address or website

☐ Identification of the sender as having received your permission to e-mail your wireless device

☐ Neither of the above

☒ Not certain

User Complaint Key : 12-T01029327-1

**Form 1088G – Call or Message to Wireless Device  
(Cell Phone or Pager) Complaint**

**\*\* ANSWER EACH QUESTION THAT APPLIES TO YOUR SPECIFIC COMPLAINT. \*\***

Background information is at the end of this section

**Consumer's Information:**

First Name: Bill Last Name: Dominguez

Company Name: \_\_\_\_\_  
(Complete only if you are filing this complaint on behalf of a company or an organization.)

Post Office Box Number:  
(Official Post Office box Number Only)

Address 1: \_\_\_\_\_  
Mailing Address (where mail is delivered)

Address 2:

City: Philadelphia State: PA Zip Code: \_\_\_\_\_

Email:

Telephone Number: \_\_\_\_\_ 4361

**Form 1088G Information:**

1. Call/message received on: Cell phone : \_\_\_\_\_ - 4361
2. Is the number where you received the call/message on the National-Do-Not-Call Registry? Not certain  
Is this a personal (non-business) phone? Yes
3. When did you receive the call(s)/message(s)?  
Date: 09/11/2012 08:05 AM  
Date: 09/11/2012 07:45 AM  
Date: 09/10/2012 08:00 PM  
Date: 09/10/2012 07:49 PM
4. TYPE OF CALL OR MESSAGE: Text message  
Your wireless device's internet address:
5. Was the following information provided DURING the call/message?  
Name of the business, individual, or other entity responsible for the call/message: Yes  
Name(s) provided: Yahoo  
Was this provided at the beginning of the call/message? Yes  
Business telephone number for the entity responsible for the call/message: No  
Numbers provided:  
Other information provided:  
Did you listen to the entire call/message? Yes
6. Did you receive caller ID information for the call/message in question? No  
Information obtained through caller ID:  
Business name:

User Complaint Key : 12-T01029327-1

**Form 1088G – Call or Message to Wireless Device  
(Cell Phone or Pager) Complaint**

**\*\* ANSWER EACH QUESTION THAT APPLIES TO YOUR SPECIFIC COMPLAINT. \*\***

Background information is at the end of this section

6. (Cont'd) Did the caller ID information accurately report the name and/or calling number for the call/message in question?

How did you determine it was not accurate?

7. List any names, telephone numbers, or other identifying information (e.g., addresses, websites) you obtained through other means (e.g., reverse call back through \*57 or your own research).

Business name(s)

Other information

How did you obtain this information? 92500 is the only number it comes from

8. Did the call/message indicate any emergency purpose (a necessary communication in any situation affecting the health and safety of consumers)? No (If you answer No, skip to question 9.)

Describe:

9. Have you or anyone else in your household given the advertiser or anyone associated with the advertised property, goods, or services permission to call? No

10. Did the call/message claim to be on behalf of a tax-exempt nonprofit organization? No

Organization name:

11. Does the call/message advertise the commercial availability or quality of any property, goods, or services? Yes

What property, goods, or services does the call/message promote? Texting everything from cheap vacations to mortgages, Fanny Mae, viagra, anti depressants, furniture, tiger direct and you name it. 80 to 100 texts a day

12. Have you or anyone else in you household:

Done any business with the advertiser or involving the advertised property, goods, or services (a purchase or other transaction) within the past 18 months prior to receiving the call/message? No

Made an inquiry or application to the advertiser or involving the advertised property, goods, or services within the past 3 months prior to receiving the call/message? No

13. Do you or anyone else in your household have a personal relationship (family, friend, or acquaintance) with the individual who made the call? No

14. Have you or anyone else in your household asked the advertiser or anyone associated with the advertised property, goods, or services NOT to contact you on your wireless number? Yes  
(If you answer No, skip to question 15.)

User Complaint Key : 12-T01029327-1

**Form 1088G – Call or Message to Wireless Device  
(Cell Phone or Pager) Complaint**

**\*\* ANSWER EACH QUESTION THAT APPLIES TO YOUR SPECIFIC COMPLAINT. \*\***

Background information is at the end of this section

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**14. (Cont'd) (Provide as much detail as possible.)**

When? Date 12/28/2011

How did you make your request?

By telephone during a telemarketing call: Yes

By telephone to:

By fax to:

By e-mail to:

By website request at:

By letter to:

Provide name and address:

Describe any response from, or other contact with, the advertiser or telemarketer including any difficulty in making your do-not-call request, or any telemarketing calls that you received from this advertiser after making your do-not-call request. Reply with stop but the still come

**15. Did any prerecorded message disconnect promptly (within about 5 seconds) after you hung up?**

Not certain

Describe:

**16. Did the commercial e-mail message provide the following information? (Check all that apply.)**

An Internet e-mail address or website to receive your request that no future messages be sent to your wireless device: No.

(Internet e-mail address or website)

Identification of the sender as having received your permission to e-mail your wireless device: No

Neither of the above: No

Not certain: Yes

Records Only

User Complaint Key : 12-T01029327-1

## Form 1088G – Call or Message to Wireless Device (Cell Phone or Pager) Complaint

Continue to the Attestation Page to Complete Your Complaint

### BACKGROUND

Several FCC rules protect consumers who use wireless communications devices such as cell phones and pagers from calls or messages that may be costly, tie up the line, or deliver unwanted advertising.

- The FCC prohibits the use of automatic telephone dialing systems or prerecorded messages to call such wireless communications devices unless the call is made for emergency purposes or with the called party's prior express permission.

You may not know whether or not a call you received used an automatic dialing system. Calls to multiple telephone lines in quick succession often involve an automatic dialing system. Automatic dialing systems

are used by many entities that regularly make calls to large numbers of telephone lines including telemarketers who rely heavily on such systems to conduct their business.

- The FCC prohibits sending unsolicited commercial e-mail messages to such wireless communications devices.

The FCC's ban on sending "spam" to wireless devices applies to all commercial messages – messages for which the primary purpose is to advertise or promote a commercial product or service – unless you have provided prior express authorization for the message to be sent. The FCC's ban does not cover "transactional or relationship" messages, which are notices to facilitate a transaction you have already agreed to. Such messages would include, e.g., statements about an existing account or warranty information about a product you've purchased. Finally, the ban also does not cover non-commercial messages such as political and religious messages.

The FCC's ban covers messages to wireless devices, if the message uses an Internet address that includes an Internet domain name (usually the part of the address after the individual or electronic mailbox name and the "@" symbol). The ban does not apply to "short messages," typically sent from one cell phone to another, which do not use an Internet address. Also, the FCC's ban does not cover e-mail messages that you have forwarded from your computer to your wireless device.

- The FCC enforces National-Do-Not-Call rules for advertising calls made to personal (not business) wireless communications devices.

The FCC enforces National Do-Not-Call rules for advertising calls made to your personal (not business) cell phone. If you have registered your personal cell phone number on the National Do-Not-Call Registry, telemarketers are prohibited from making advertising calls to you UNLESS you (1) have agreed in writing to accept telemarketing calls from the business, (2) have established a business relationship with the business by a purchase or having some other transaction within the past 18 months or by making an inquiry or application within the past 3 months, or (3) have a personal relationship (friend, family, acquaintance) with the individual who calls you. In these situations, however, you may rescind the permission to call, end your business relationship, or prevent future calls based on a personal relationship by making a company-specific do-not call request. Advertisers have no more than 30 days to honor National Do-Not-Call registrations and company specific do-not-call requests. Such requests must be honored for a period of 5 years.

Determining whether an automatic dialing system has been used to make a particular call or identifying and locating a sender of spam can be difficult. The more details you are able to provide, the greater the likelihood that the FCC will be able to determine whether a violation has occurred that could lead to an enforcement action.



## Form 1088G – Attestation

**ATTEST TO THE ACCURACY OF YOUR COMPLAINT** Thank you for filing your complaint. Your complaint will be most useful to us if you execute this sworn statement. The FCC will make every effort to take enforcement action against any party who violated the FCC's rules.

Fill in the blanks below and then check the "EXECUTE" box, to declare under penalty of perjury that the information you have provided is, to the best of your knowledge, true and correct.

I declare under penalty of perjury that (1) I am over 18 years old, (2) I am authorized to make decisions regarding the telephone number listed below, and (3) the information I have provided today on this Federal Communications Commission form is, to the best of my knowledge, true and correct.

Name: **Bill Dominguez**

Phone: **4361** (telephone number where you received the call(s) that is the subject of your complaint)

Date: **09/11/2012**

EXECUTE: Yes

You may submit this form over the Internet at <http://www.fcc.gov/cgb/complaints.html>, by e-mail to [fccinfo@fcc.gov](mailto:fccinfo@fcc.gov), by fax to 1-866-418-0232, or by postal mail to:

Federal Communications Commission  
Consumer & Governmental Affairs Bureau  
Consumer Complaints  
445 12th Street, SW  
Washington, D.C. 20554.

In addition, you may submit your complaint over the telephone by calling 888-CALL-FCC. If you choose to submit your complaint over the telephone, an FCC customer service representative will fill out an electronic version of the form for you during your conversation. If you have any questions, feel free to contact the FCC at 888-CALL-FCC.

## FCC NOTICE REQUIRED BY THE PAPERWORK REDUCTION ACT AND THE PRIVACY ACT

The Federal Communications Commission is authorized under the Communications Act of 1934, as amended, to collect the personal information that we request in this form. This form is used for complaints that involve (1) junk faxes, (2) telemarketing (including do-not-call violations), and (3) other related issues such as prerecorded messages, automatic telephone dialing systems, and unsolicited commercial email messages to wireless telecommunications devices. The public reporting for this collection of information is estimated to average 3-30 minutes per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the required data, and completing and reviewing the collection of information. If you have any comments on this burden estimate, or how we can improve the collection and reduce the burden it causes you, please write to the Federal Communications Commission, OMD-PERF, Paperwork Reduction Project (3050-1088), Washington, DC 20554. We will also accept your comments regarding the Paperwork Reduction Act aspects of this collection via the Internet if you send them to [PRA@fcc.gov](mailto:PRA@fcc.gov). PLEASE DO NOT SEND YOUR COMPLETED FORMS TO THIS ADDRESS.

Remember - You are not required to respond to a collection of information sponsored by the Federal government, and the government may not conduct or sponsor this collection, unless it displays a currently valid OMB control number or if we fail to provide you with this notice. This collection has been assigned an OMB control number of 3050-1088.

In addition, the information that consumers provide when filling out FCC Form 1088 is covered by the system of records notice, FCC/CGB-1, Informal Complaints and Inquiries File (Broadcast, Common Carrier, and Wireless Telecommunications Bureau Radio Services). The Commission is authorized to request this information from consumers under 47 U.S.C. 208, 208, 301, 303, 308(e), 312, 362, 364, 366, 507, and 51; and 47 CFR 1.711 et seq.

Under this system of records notice, FCC/CIB-1, the FCC may disclose information that consumers provide as follows: when a record in this system involves a complaint against a common carrier, the complaint is forwarded to the defendant carrier who must, within a prescribed time frame, either satisfy the complaint or explain to the Commission and the complainant its failure to do so; where there is an indication of a violation or potential violation of a statute, regulation, rule, or order, records from this system may be referred to the appropriate Federal, state, or local agency responsible for investigating or prosecuting a violation or for enforcing or implementing the statute, rule, regulation, or order; a record from this system may be disclosed to a Federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant or other benefit; a record on an individual in this system of records may be disclosed, where pertinent, in any legal proceeding to which the Commission is a party before a court or administrative body; a record from this system of records may be disclosed to the Department of Justice or in a proceeding before a court or adjudicative body when: (a) the United States, the Commission, a component of the Commission, or, when represented by the government, an employee of the Commission is a party to litigation or anticipated litigation or has an interest in such litigation, and (b) the Commission determines that the disclosure is relevant or necessary to the litigation; a record on an individual in this system of records may be disclosed to a Congressional office in response to an inquiry the individual has made to the Congressional office; a record from this system of records may be disclosed to GSA and NARA for the purpose of records management inspections conducted under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall not be used to make a determination about individuals.

In each of these cases, the FCC will determine whether disclosure of the information in this system of records notice is compatible with the purpose for which the records were collected. Furthermore, information in this system of records notice are available for public inspection after redaction of information that could identify the complainant or correspondent, i.e., name, address and/or telephone number.

THE FOREGOING NOTICE IS REQUIRED BY THE PAPERWORK REDUCTION ACT OF 1996, PUBLIC LAW 104-13, OCTOBER 1, 1996, 44 U.S.C. SECTION 3507 AND THE PRIVACY ACT OF 1974, PUBLIC LAW 93-579, DECEMBER 31, 1974, 5 U.S.C. SECTION 552a(a)(3).





Federal Communications Commission  
Consumer & Governmental Affairs Bureau  
Consumer Inquiries and Complaints Division  
445 12th Street, S.W., Room 4-C763  
Washington, D.C. 20554

Date: 10/11/2012

BILL DOMINGUEZ

PHILADELPHIA, PA

Dear Consumer:

Re: Case # 12-T01029327-1

Thank you for contacting the FCC regarding possible violations of the Telephone Consumer Protection Act ("TCPA") and the Commission's telemarketing and junk fax rules. Information provided in consumer complaints like yours helps the Commission to combat abusive or unlawful practices in these areas, including taking enforcement actions against individuals or companies. In this regard, the Communications Act authorizes the Commission to issue citations and, in some cases, impose substantial fines upon entities that violate telemarketing and junk fax rules.

Although the Commission does not resolve individual complaints, each complaint is individually analyzed and assists us in enforcement actions to protect consumers like yourself. You should be aware that the TCPA also provides for enforcement of the telemarketing and junk fax rules by state attorneys general and by individual consumers. With respect to the latter, the TCPA permits individuals who have received certain unlawful telemarketing, such as junk faxes or telemarketing calls, to sue the violator in state courts where they may be awarded up to \$1500 for each violation.

We invite you to visit the FCC's Consumer & Governmental Affairs Bureau's Internet web site at <http://www.fcc.gov/cgb> for more information. You may also call the FCC's Consumer Center toll free at 1-888-CALL-FCC [1-888-225-5322], TTY: 1-888-TELL-FCC [1-888-835-5322].

Sincerely,

Sharon C. Bowers, Division Chief  
Consumer Inquiries & Complaints Division  
Consumer & Governmental Affairs Bureau



Admin 1088 [ Switch to Admin2000 ]

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Form 1088G (Wireless communications device) (A toll-free number (800, 888, etc.)) : 12-T01042769-1

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## USER FORM

[Consumer History](#) [Form History](#) [Edit Form](#)

User Complaint Number: 12-T01042769

User Complaint Key: 12-T01042769-1

Complaint Source: Web

Added User: Consumer

Submission date: 09/28/2012

## CONSUMER'S INFORMATION:

First Name: Bill

Last Name: Dominguez

Company Name:

PO Box:

Address1:

Address2:

City: Philadelphia

State: PA Zip Code:

Telephone Number(Residential or Business): -4361 Ext:

E-mail Address:

## FORM 1088G:

1. **CALL RECIPIENT:** Call/message received on  
Cell phone -4361
2. **NATIONAL DO-NOT-CALL REGISTRY:** Is the number where you received the call/message on the National-Do-Not-Call Registry?  
Yes  
Is this a personal (non-business) phone?
3. **DATE/TIME:** When did you receive the call(s)?  
Date  
Date  
Date  
Date
4. **TYPE OF CALL OR MESSAGE**
5. **ADVERTISER INFORMATION:** Was the following information provided DURING the call/message?  
Name of the business, individual, or other entity responsible for the call/message  
Name(s) provided  
Was this provided at the beginning of the call/message?  
Business telephone number for the entity responsible for the call/message:  
Number(s) Provided:  
Other Information provided:: Yahoo 92500  
Did you listen to the entire call/message?
6. **CALLER ID INFORMATION:**  
Did you receive caller ID information for the call(s) in question? Yes  
Information obtained through caller ID:  
Business name Yahoo / 92500  
Did the caller ID information accurately report the name and/or calling number for the call in question? Yes  
How did you determine it was not accurate?
7. **OTHER IDENTIFYING INFORMATION:** List any names, telephone numbers, or other identifying information (e.g., addresses, websites) you obtained through other means (e.g., reverse call back through \*57 or your own research).  
Phone(s)  
Business name(s) Yahoo

Other information 92500

How did you obtain this information? The consumer has spoken with Yahoo about this matter on either Sept 11th or 12th. Yahoo claims that this number does not belong to the consumer and the company will not stop sending messages to the consumer. Yahoo claims that this is the fault of the cellular provider. The consumer has two numbers for Yahoo, 866-562-7219 and 408-349-5070. The consumer continues to receive alerts from Yahoo, amounting to almost 100 per day. The consumer received 3 to 4 calls during our conversation. All these text messages are still coming up as a 92500 short code.

8. **EMERGENCY PURPOSE:** Did the call(s) indicate any emergency purpose (a necessary communication in any situation affecting the health and safety of consumers)? **No**  
Describe:

9. **PRIOR EXPRESS PERMISSION:** Did you or anyone at your facility give prior express permission for the call(s) to be made? **No**

10. **TAX-EXEMPT NON-PROFIT:** Did the call/message claim to be on behalf of a tax-exempt nonprofit organization?  
No Organization name :

11. **TYPE OF MESSAGE:** Does the call/message advertise the commercial availability or quality of any property, goods, or services?

Yes What property, goods, or services did the call/message promote? : The consumer has spoken with Yahoo about this matter on either Sept 11th or 12th. Yahoo claims that this number does not belong to the consumer and the company will not stop sending messages to the consumer. Yahoo claims that this is the fault of the cellular provider. The consumer has two numbers for Yahoo, 866-562-7219 and 408-349-5070. The consumer continues to receive alerts from Yahoo, amounting to almost 100 per day. The consumer received 3 to 4 calls during our conversation. All these text messages are still coming up as a 92500 short code.

12. **ESTABLISHED BUSINESS RELATIONSHIP:** Have you or anyone else in your household

(a) Done any business with the advertiser or involving the advertised property, goods, or services (a purchase or other transaction) within the past 18 months prior to receiving the call/message? **No**

(b) Made an inquiry or application to the advertiser or involving the advertised property, goods, or services within the past 3 months prior to receiving the call/message? **No**

13. **PERSONAL RELATIONSHIP:** Do you or anyone else in your household have a personal relationship (family, friend, or acquaintance) with the individual who made the call? **No**

14. **COMPANY-SPECIFIC DO-NOT-CALL REQUEST:** Have you or anyone else in your household asked the advertiser or anyone associated with the advertised property, goods, or services NOT to call you?

Yes (Provide as much detail as possible)

When? Date: 09/12/2012

How did you make your request?

☐ By telephone during a telemarketing call (including the one about which you are complaining)

☒ By telephone to (866) 562 - 7219

☐ By e-mail to

☐ By website request at

☐ By fax to

☐ By letter to

(Name)(Address)

(City) (State)(Zip)

Describe any response from, or other contact with, the advertiser or telemarketer including any difficulty in making your do-not-call request, or any telemarketing calls that you received from this advertiser after making your do-not-call request.

The consumer has spoken with Yahoo about this matter on either Sept 11th or 12th. Yahoo claims that this number does not belong to the consumer and the company will not stop sending messages to the consumer. Yahoo claims that this is the fault of the cellular provider. The consumer has two numbers for Yahoo, 866-562-7219 and 408-349-5070. The consumer continues to receive alerts from Yahoo, amounting to almost 100 per day. The consumer received 3 to 4 calls during our conversation. All these text messages are still coming up as a 92500 short code.

15. **PRERECORDED MESSAGE - LINE SEIZURE:** Did any prerecorded message disconnect promptly (within about 5 seconds) after you hung up?

Describe:

16. **COMMERCIAL E-MAIL - INFORMATION DISCLOSED** Did the commercial e-mail message provide the following information? (check all that apply)

☐ An Internet e-mail address or website to receive your request that no future messages be sent to your wireless device. Internet e-mail address or website

- ☐ Identification of the sender as having received your permission to e-mail your wireless device
- ☒ Neither of the above
- ☐ Not certain

User Complaint Key : 12-T01042769-1

**Form 1088G – Call or Message to Wireless Device  
(Cell Phone or Pager) Complaint**

**\*\* ANSWER EACH QUESTION THAT APPLIES TO YOUR SPECIFIC COMPLAINT. \*\***

Background information is at the end of this section

**Consumer's Information:**

First Name: Bill Last Name: Dominguez

Company Name:  
(Complete only if you are filing this complaint on behalf of a company or an organization.)

Post Office Box Number:  
(Official Post Office box Number Only)

Address 1: [REDACTED] Address 2:  
Mailing Address (where mail is delivered)

City: Philadelphia State: PA Zip Code: [REDACTED]

Email:

Telephone Number: [REDACTED] 4361

**Form 1088G Information:**

1. Call/message received on: Cell phone : [REDACTED] - 4361
2. Is the number where you received the call/message on the National-Do-Not-Call Registry? Yes  
Is this a personal (non-business) phone?
3. When did you receive the call(s)/message(s)?
4. TYPE OF CALL OR MESSAGE:  
Your wireless device's internet address:
5. Was the following information provided DURING the call/message?  
Name of the business, individual, or other entity responsible for the call/message:  
Name(s) provided:  
Was this provided at the beginning of the call/message?  
Business telephone number for the entity responsible for the call/message:  
Numbers provided:  
Other information provided: Yahoo 92500  
Did you listen to the entire call/message?
6. Did you receive caller ID information for the call/message in question? Yes  
Information obtained through caller ID:  
Business name: Yahoo / 92500

User Complaint Key : 12-T01042769-1

**Form 1088G – Call or Message to Wireless Device  
(Cell Phone or Pager) Complaint**

**\*\* ANSWER EACH QUESTION THAT APPLIES TO YOUR SPECIFIC COMPLAINT. \*\***

Background information is at the end of this section

6. (Cont'd) Did the caller ID information accurately report the name and/or calling number for the call/message in question? **Yes**  
How did you determine it was not accurate?

7. List any names, telephone numbers, or other identifying information (e.g., addresses, websites) you obtained through other means (e.g., reverse call back through \*57 or your own research).

Business name(s) **Yahoo**

Other information **92500**

How did you obtain this information? The consumer has spoken with Yahoo about this matter on either Sept 11th or 12th. Yahoo claims that this number does not belong to the consumer and the company will not stop sending messages to the consumer. Yahoo claims that this is the fault of the cellular provider. The consumer has two numbers for Yahoo, 866-562-7219 and 408-349-5070. The consumer continues to receive alerts from Yahoo, amounting to almost 100 per day. The consumer received 3 to 4 calls during our conversation. All these text messages are still coming up as a 92500 short code.

8. Did the call/message indicate any emergency purpose (a necessary communication in any situation affecting the health and safety of consumers)? **No** (If you answer No, skip to question 9.)  
Describe:

9. Have you or anyone else in your household given the advertiser or anyone associated with the advertised property, goods, or services permission to call? **No**

10. Did the call/message claim to be on behalf of a tax-exempt nonprofit organization? **No**

Organization name:

11. Does the call/message advertise the commercial availability or quality of any property, goods, or services? **Yes**

What property, goods, or services does the call/message promote? The consumer has spoken with Yahoo about this matter on either Sept 11th or 12th. Yahoo claims that this number does not belong to the consumer and the company will not stop sending messages to the consumer. Yahoo claims that this is the fault of the cellular provider. The consumer has two numbers for Yahoo, 866-562-7219 and 408-349-5070. The consumer continues to receive alerts from Yahoo, amounting to almost 100 per day. The consumer received 3 to 4 calls during our conversation. All these text messages are still coming up as a 92500 short code.

12. Have you or anyone else in you household:

Done any business with the advertiser or involving the advertised property, goods, or services (a purchase or other transaction) within the past 18 months prior to receiving the call/message? **No**

Made an inquiry or application to the advertiser or involving the advertised property, goods, or services within the past 3 months prior to receiving the call/message? **No**

13. Do you or anyone else in your household have a personal relationship (family, friend, or acquaintance) with the individual who made the call? **No**

14. Have you or anyone else in your household asked the advertiser or anyone associated with the advertised property, goods, or services NOT to contact you on your wireless number? **Yes**  
(If you answer No, skip to question 15.)

User Complaint Key : 12-T01042769-1

**Form 1088G – Call or Message to Wireless Device  
(Cell Phone or Pager) Complaint**

**\*\* ANSWER EACH QUESTION THAT APPLIES TO YOUR SPECIFIC COMPLAINT. \*\***

Background information is at the end of this section

**14. (Cont'd) (Provide as much detail as possible.)**

When? Date **09/12/2012**

How did you make your request?

By telephone during a telemarketing call: No

By telephone to: **(866) 562 - 7219**

By fax to:

By e-mail to:

By website request at:

By letter to:

Provide name and address:

Describe any response from, or other contact with, the advertiser or telemarketer including any difficulty in making your do-not-call request, or any telemarketing calls that you received from this advertiser after making your do-not-call request. The consumer has spoken with Yahoo about this matter on either Sept 11th or 12th. Yahoo claims that this number does not belong to the consumer and the company will not stop sending messages to the consumer. Yahoo claims that this is the fault of the cellular provider. The consumer has two numbers for Yahoo, 866-562-7219 and 408-349-5070. The consumer continues to receive alerts from Yahoo, amounting to almost 100 per day. The consumer received 3 to 4 calls during our conversation. All these text messages are still coming up as a 92500 short code.

**15. Did any prerecorded message disconnect promptly (within about 5 seconds) after you hung up?**

Not certain

Describe:

**16. Did the commercial e-mail message provide the following information? (Check all that apply.)**

An Internet e-mail address or website to receive your request that no future messages be sent to your wireless device: No

(Internet e-mail address or website)

Identification of the sender as having received your permission to e-mail your wireless device: No

Neither of the above: Yes

Not certain: No



User Complaint Key : 12-T01042769-1

## Form 1088G – Call or Message to Wireless Device (Cell Phone or Pager) Complaint

Continue to the Attestation Page to Complete Your Complaint

### BACKGROUND

Several FCC rules protect consumers who use wireless communications devices such as cell phones and pagers from calls or messages that may be costly, tie up the line, or deliver unwanted advertising.

- The FCC prohibits the use of automatic telephone dialing systems or prerecorded messages to call such wireless communications devices unless the call is made for emergency purposes or with the called party's prior express permission.

You may not know whether or not a call you received used an automatic dialing system. Calls to multiple telephone lines in quick succession often involve an automatic dialing system. Automatic dialing systems

are used by many entities that regularly make calls to large numbers of telephone lines including telemarketers who rely heavily on such systems to conduct their business.

- The FCC prohibits sending unsolicited commercial e-mail messages to such wireless communications devices.

The FCC's ban on sending "spam" to wireless devices applies to all commercial messages – messages for which the primary purpose is to advertise or promote a commercial product or service – unless you have provided prior express authorization for the message to be sent. The FCC's ban does not cover "transactional or relationship" messages, which are notices to facilitate a transaction you have already agreed to. Such messages would include, e.g., statements about an existing account or warranty information about a product you've purchased. Finally, the ban also does not cover non-commercial messages such as political and religious messages.

The FCC's ban covers messages to wireless devices, if the message uses an Internet address that includes an Internet domain name (usually the part of the address after the individual or electronic mailbox name and the "@" symbol). The ban does not apply to "short messages," typically sent from one cell phone to another, which do not use an Internet address. Also, the FCC's ban does not cover e-mail messages that you have forwarded from your computer to your wireless device.

- The FCC enforces National Do-Not-Call rules for advertising calls made to personal (not business) wireless communications devices.

The FCC enforces National Do-Not-Call rules for advertising calls made to your personal (not business) cell phone. If you have registered your personal cell phone number on the National Do-Not-Call Registry, telemarketers are prohibited from making advertising calls to you UNLESS you (1) have agreed in writing to accept telemarketing calls from the business, (2) have established a business relationship with the business by a purchase or having some other transaction within the past 18 months or by making an inquiry or application within the past 3 months, or (3) have a personal relationship (friend, family, acquaintance) with the individual who calls you. In these situations, however, you may rescind the permission to call, end your business relationship, or prevent future calls based on a personal relationship by making a company-specific do-not call request. Advertisers have no more than 30 days to honor National Do-Not-Call registrations and company specific do-not-call requests. Such requests must be honored for a period of 5 years.

Determining whether an automatic dialing system has been used to make a particular call or identifying and locating a sender of spam can be difficult. The more details you are able to provide, the greater the likelihood that the FCC will be able to determine whether a violation has occurred that could lead to an enforcement action.

## Form 1088G – Attestation

**ATTEST TO THE ACCURACY OF YOUR COMPLAINT** Thank you for filing your complaint. Your complaint will be most useful to us if you execute this sworn statement. The FCC will make every effort to take enforcement action against any party who violated the FCC's rules.

Fill in the blanks below and then check the "EXECUTE" box, to declare under penalty of perjury that the information you have provided is, to the best of your knowledge, true and correct.

I declare under penalty of perjury that (1) I am over 18 years old, (2) I am authorized to make decisions regarding the telephone number listed below, and (3) the information I have provided today on this Federal Communications Commission form is, to the best of my knowledge, true and correct.

Name: Bill Dominiques

Phone: [REDACTED] 4361 (telephone number where you received the call(s) that is the subject of your complaint)

Date: 09/28/2012

EXECUTE: Yes

You may submit this form over the Internet at <http://www.fcc.gov/cgb/complaints.html>, by e-mail to [fccinfo@fcc.gov](mailto:fccinfo@fcc.gov), by fax to 1-866-418-0232, or by postal mail to:

Federal Communications Commission  
Consumer & Governmental Affairs Bureau  
Consumer Complaints  
445 12th Street, SW  
Washington, D.C. 20554.

In addition, you may submit your complaint over the telephone by calling 888-CALL-FCC. If you choose to submit your complaint over the telephone, an FCC customer service representative will fill out an electronic version of the form for you during your conversation. If you have any questions, feel free to contact the FCC at 888-CALL-FCC.

## FCC NOTICE REQUIRED BY THE PAPERWORK REDUCTION ACT AND THE PRIVACY ACT

The Federal Communications Commission is authorized under the Communications Act of 1934, as amended, to collect the personal information that we request in this form. This form is used for complaints that involve (1) junk faxes, (2) telemarketing (including do-not-call violations), and (3) other related issues such as prerecorded messages, automatic telephone dialing systems, and unsolicited commercial email messages to wireless telecommunications devices. The public reporting for this collection of information is estimated to average 3-30 minutes per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the required data, and completing and reviewing the collection of information. If you have any comments on this burden estimate, or how we can improve the collection and reduce the burden it causes you, please write to the Federal Communications Commission, OMD-PERM, Paperwork Reduction Project (3060-1088), Washington, DC 20554. We will also accept your comments regarding the Paperwork Reduction Act aspects of this collection via the Internet if you send them to [PRAtfcc.gov](mailto:PRAtfcc.gov). PLEASE DO NOT SEND YOUR COMPLETED FORMS TO THIS ADDRESS.

Remember - You are not required to respond to a collection of information sponsored by the Federal government, and the government may not conduct or sponsor this collection, unless it displays a currently valid OMB control number or if we fail to provide you with this notice. This collection has been assigned an OMB control number of 3060-1088.

In addition, the information that consumers provide when filling out FCC Form 1088 is covered by the system of records notice, FCC/CGB-1, Informal Complaints and Inquiries File (Broadcast, Common Carrier, and Wireless Telecommunications Bureau Radio Services). The Commission is authorized to request this information from consumers under 47 U.S.C. 205, 208, 301, 303, 308(c), 312, 362, 364, 366, 507, and 51; and 47 CFR 1.711 et seq.

Under this system of records notice, FCC/CIB-1, the FCC may disclose information that consumers provide as follows: when a record in this system involves a complaint against a common carrier, the complaint is forwarded to the defendant carrier who must, within a prescribed time frame, either satisfy the complaint or explain to the Commission and the complainant its failure to do so; where there is an indication of a violation or potential violation of a statute, regulation, rule, or order, records from this system may be referred to the appropriate Federal, state, or local agency responsible for investigating or prosecuting a violation or for enforcing or implementing the statute, rule, regulation, or order; a record from this system may be disclosed to a Federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant or other benefit; a record on an individual in this system of records may be disclosed, where pertinent, in any legal proceeding to which the Commission is a party before a court or administrative body; a record from this system of records may be disclosed to the Department of Justice or in a proceeding before a court or adjudicative body when: (a) the United States, the Commission, a component of the Commission, or, when represented by the government, an employee of the Commission is a party to litigation or anticipated litigation or has an interest in such litigation, and (b) the Commission determines that the disclosure is relevant or necessary to the litigation; a record on an individual in this system of records may be disclosed to a Congressional office in response to an inquiry the individual has made to the Congressional office; a record from this system of records may be disclosed to GSA and NARA for the purpose of records management inspections conducted under authority of 44 U.S.C. 2904 and 2908. Such disclosure shall not be used to make a determination about individuals.

In each of these cases, the FCC will determine whether disclosure of the information in this system of records notice is compatible with the purpose for which the records were collected. Furthermore, information in this system of records notice are available for public inspection after redaction of information that could identify the complainant or correspondent, i.e., name, address and/or telephone number.

THE FOREGOING NOTICE IS REQUIRED BY THE PAPERWORK REDUCTION ACT OF 1996, PUBLIC LAW 104-13, OCTOBER 1, 1995, 44 U.S.C. SECTION 3607 AND THE PRIVACY ACT OF 1974, PUBLIC LAW 93-576, DECEMBER 31, 1974, 5 U.S.C. SECTION 552a(e)(3).